

***** PUBLIC DOCKET *****

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:21-cv-02993-RLY-MKK**

HOWARD v. KNIESER et al
Assigned to: Judge Richard L. Young
Referred to: Magistrate Judge M. Kendra Klump
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/08/2021
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions
- Prison Condition
Jurisdiction: Federal Question

Plaintiff

EDDIE HOWARD

represented by **EDDIE HOWARD**
129850
MIAMI - CF
MIAMI CORRECTIONAL
FACILITY
Inmate Mail/Parcels
3038 West 850 South
Bunker Hill, IN 46914-9810
PRO SE

V.

Defendant

MARTIAL R. KNIESER
Dr.

represented by **Douglass R. Bitner**
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Defendant

L. HAMBLÉN
HSA

represented by **Adriana Katzen**
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Sarah Jean Shores-Scisney

(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/08/2021	<u>1</u>	CONSENT to Prisoner E-Service by EDDIE HOWARD located at PENDLETON CF. Pursuant to General Order 2013-1, documents submitted by EDDIE HOWARD to the court for filing will generate a Notice of Electronic Filing that will constitute official service upon registered users of CM/ECF. If any parties to the case are not registered CM/ECF users, the Clerk of the Court will mail the document via U.S. Postal Service on behalf of the inmate. NOTE: The E-Filing Program does not affect the obligation of other parties to serve copies of documents in accordance with the Federal Rules of Civil Procedure. (LMK) (Entered: 12/08/2021)
12/08/2021	<u>2</u>	COMPLAINT against L. HAMBLIN, MARTIAL R. KNIESER, filed by EDDIE HOWARD. (No fee paid with this filing) (Attachments: # <u>1</u> Exhibit)(LMK) (Entered: 12/08/2021)
12/08/2021	<u>3</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff EDDIE HOWARD. (Attachments: # <u>1</u> Exhibit Certification Of Inmate Trust Fund Account)(LMK) (Entered: 12/08/2021)
12/08/2021	<u>4</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (LMK) (Entered: 12/08/2021)
12/09/2021	<u>5</u>	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. (TMC) (Entered: 12/09/2021)
12/09/2021	<u>6</u>	ORDER denying <u>3</u> Motion for Leave to Proceed in forma pauperis - The plaintiff's inmate trust account certification reflects that he has sufficient funds to pay the \$402.00 filing fee for this action. The plaintiff shall have through January 6, 2022, in which to pay the Four Hundred Two Dollar filing fee to the clerk of the court. Signed by Judge Richard L. Young on 12/9/2021. (JRB) (Entered: 12/09/2021)
12/21/2021	<u>7</u>	MOTION for Reconsideration of <u>6</u> Order on Motion for Leave to Proceed in forma pauperis, filed by Plaintiff EDDIE HOWARD. (JRB) (Entered: 12/21/2021)
12/21/2021	<u>8</u>	MOTION to Correct Error, filed by Defendant L. HAMBLIN. (Attachments: # <u>1</u> Subpoena, # <u>2</u> Envelope)(JRB) (Entered: 12/21/2021)
12/29/2021	<u>9</u>	Submission for Corrected Six Month Printout, filed by Plaintiff EDDIE HOWARD. (AAS) (Entered: 12/30/2021)

02/28/2022	<u>10</u>	ORDER granting <u>7</u> MOTION for Reconsideration of <u>6</u> Order on Motion for Leave to Proceed in forma pauperis - Mr. Howard is assessed an initial partial filing fee of Sixty-Seven Dollars and Thirty-Six Cents (\$67.36) pursuant to 28 U.S.C. § 1915(b)(1). He shall have through March 25, 2022, to pay this sum to the clerk of the district court. SEE ORDER. Signed by Judge Richard L. Young on 2/28/2022. (JRB) (Entered: 02/28/2022)
03/02/2022	<u>11</u>	MOTION to Notice Courts of Serving Notice of Tort Claims, filed by Plaintiff EDDIE HOWARD. (AAS) (Entered: 03/02/2022)
03/14/2022	12	RECEIPT #EV007660 for Partial Filing Fee fee in the amount of \$67.36, paid by Pendleton CF F/B/O Eddie Howard. (AAS) (Entered: 03/14/2022)
05/31/2022	<u>13</u>	Order Screening Complaint and Directing Further Proceedings - If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through June 16, 2022, in which to identify those claims. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants Dr. Knieser and HSA Hamben in the manner specified by Rule 4(d). Mr. Howard's motion to correct, dkt. <u>8</u> , and motion to notify the Court, dkt. <u>11</u> , are GRANTED to the extent consistent with this Entry. A copy of this Entry and the process documents shall also be served on Wexford electronically. Wexford is ORDERED to provide the full name and last known home address of any defendant who does not waive service if they have such information. This information may be provided to the Court informally or may be filed ex parte. SEE ORDER. Copy sent to distribution list via US Mail. Signed by Judge Richard L. Young on 5/31/2022. (JRB) (Entered: 05/31/2022)
05/31/2022	<u>14</u>	NOTICE of Lawsuit & Waiver Issued by Clerk as to 1) Dr. Martial Knieser; 2) Health Services Administrator L. Hamben. (JRB) (Entered: 05/31/2022)
05/31/2022	<u>15</u>	Documents to be Sent via Electronic Notice - re <u>14</u> NOTICE of Lawsuit & Waiver Issued by Clerk, <u>13</u> Order on Motion, <u>2</u> Complaint Electronic Notice to Wexford. (JRB) (Entered: 05/31/2022)
06/02/2022	<u>16</u>	ORDER Directing Monthly Payments be made from Prison Account of EDDIE HOWARD. Copy to Warden via US Mail. Copy to Finance Department. Signed by Magistrate Judge Doris L. Pryor on 6/2/2022.(SWM) (Entered: 06/03/2022)
06/15/2022	<u>17</u>	NOTICE of Appearance by Jeb Adam Crandall on behalf of Defendant L. HAMBLIN. (Crandall, Jeb) (Entered: 06/15/2022)
06/15/2022	<u>18</u>	NOTICE of Appearance by Adriana Katzen on behalf of Defendant L. HAMBLIN. (Katzen, Adriana) (Entered: 06/15/2022)

06/15/2022	19	WAIVER OF SERVICE Returned Executed, filed by L. HAMBLIN. L. HAMBLIN waiver sent on 6/10/2022. (Katzen, Adriana) (Entered: 06/15/2022)
07/12/2022	20	RECEIPT #818 for partial filing fee in the amount of \$8.00, paid by EDDIE HOWARD. (DJH) (Entered: 07/13/2022)
07/14/2022	21	ORDER DIRECTING CLERK TO REISSUE PROCESS TO DEFENDANT KNIESER - Because the Plaintiff is proceeding in forma pauperis, the Court is obligated to assist him with serving the Defendants. Fed. R. Civ. P. 4(c)(3). The Court's first attempt to issue process to Defendant Dr. Knieser, identified as an employee of Wexford of Indiana, LLC at the time of the incident at issue in the Plaintiff's complaint, was unsuccessful. Accordingly, the clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to re-issue process to Defendant Dr. Martial Knieser in the manner specified by Rule 4(d). Process shall consist of the complaint (docket 2), applicable forms (Second Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order. A copy of this Order and the process documents should also be served on Wexford of Indiana, LLC electronically. Wexford is ORDERED to provide the full name and last known address of any Defendant who does not waive service if they have such information. This information may be provided to the Court informally or may be filed ex parte. Copies to Dr. Martial Knieser via US Mail. Electronic service to Wexford of Indiana, LLC. Signed by Magistrate Judge Doris L. Pryor on 7/14/2022.(SWM) (Entered: 07/14/2022)
07/14/2022	22	SECOND NOTICE of Lawsuit & Waiver Issued by Clerk TO: 1) Dr. Martial Knieser. Copy to Dr. Martial Knieser via US Mail (SWM) Modified on 7/14/2022 (SWM). (Entered: 07/14/2022)
07/14/2022	23	Documents to be Sent via Electronic Notice - re 21 Order, 2 Complaint, 22 NOTICE of Lawsuit & Waiver Issued by Clerk Electronic Notice to Wexford. (SWM) (Entered: 07/14/2022)
07/19/2022	24	WAIVER OF SERVICE Returned Executed, filed by MARTIAL R. KNIESER. MARTIAL R. KNIESER waiver sent on 5/31/2022. (Johnson, Rachel) (Entered: 07/19/2022)
07/19/2022	25	NOTICE of Appearance by Rachel D. Johnson on behalf of Defendants L. HAMBLIN, MARTIAL R. KNIESER. (Johnson, Rachel) (Entered: 07/19/2022)
07/19/2022	26	ANSWER to 2 Complaint , <i>Jury Demand and Affirmative Defenses</i> , filed by L. HAMBLIN, MARTIAL R. KNIESER.(Johnson, Rachel) (Entered: 07/19/2022)

07/19/2022	27	NOTICE of Appearance by Douglass R. Bitner on behalf of Defendants L. HAMBLER, MARTIAL R. KNIESER. (Bitner, Douglass) (Entered: 07/19/2022)
07/21/2022	29	ANSWER to 2 Complaint , filed by L. HAMBLER.(Katzen, Adriana) (Entered: 07/21/2022)
07/21/2022	30	<i>Amended</i> ANSWER to 2 Complaint , <i>Jury Demand and Affirmative Defenses</i> , filed by L. HAMBLER, MARTIAL R. KNIESER.(Johnson, Rachel) (Entered: 07/21/2022)
07/22/2022	31	ENTRY Directing Development of Exhaustion Defense and Issuing Partial Stay - The exhaustion defense will be resolved pursuant to the following schedule. The defendants shall have through September 1, 2022, in which to either (see Entry). The failure to pursue any of these options by the above deadline constitutes an abandonment of the exhaustion defense (see Entry). Signed by Magistrate Judge Doris L. Pryor on 7/22/2022.(SWM) (Entered: 07/25/2022)
07/22/2022	32	ORDER - On July 14, 2022, the Court directed the clerk to reissue process to Defendant Martial Knieser to assist Plaintiff Eddie Howard with serving the defendants. Dkt. 21; see also Fed. R. Civ. P. 4(c)(3). Counsel appeared for Defendant Knieser on July 19, 2022, and the defendants contemporaneously filed their answer to Mr. Howard's complaint. Dkts. 25-27. On July 20, 2022, Mr. Howard filed a motion to notify the Court of an address he obtained for Defendant Knieser to assist the Court with service. Because the Court's attempt to reissue process to Defendant Knieser was successful, the information provided by Mr. Howard in this motion is not necessary. Accordingly, Mr. Howard's motion to notify Court, dkt. 28 , is denied as moot. The clerk is further directed to maintain this motion under seal. Signed by Magistrate Judge Doris L. Pryor on 7/22/2022. (SWM) (Entered: 07/25/2022)
07/27/2022	33	MOTION to Subpoena Medical Records and Doctors Orders, filed by Plaintiff EDDIE HOWARD. (JRB) (Entered: 07/27/2022)
07/27/2022	34	MOTION in Response to Defendant's Affirmative Defense, filed by Plaintiff EDDIE HOWARD. (Attachments: # 1 Exhibit)(JRB) (Entered: 07/27/2022)
07/27/2022	36	Mail Returned as undeliverable from defendant. 21 Order, 2 Complaint, 22 NOTICE of Lawsuit & Waiver Issued by Clerk sent to MARTIAL R. KNIESER. Return to Sender - No Longer Here. (SWM) Modified to add defendant on 8/11/2022 (JRT). (Entered: 08/01/2022)
07/28/2022	35	ORDER denying Plaintiff's 33 Motion to Subpoena Medical Records. See Order. Signed by Magistrate Judge Doris L. Pryor on 7/28/2022. (SWM) (Entered: 07/28/2022)

08/02/2022	37	ORDER REGARDING PLAINTIFF'S MOTION IN RESPONSE TO DEFENDANTS' AFFIRMATIVE DEFENSE - Mr. Howard's motion, dkt. 34 , is premature, and is therefore, DENIED. SEE ORDER. Signed by Judge Richard L. Young on 8/2/2022. (JRB) (Entered: 08/02/2022)
08/10/2022	38	RECEIPT #1261 for partial filing fee in the amount of \$40.00, paid by EDDIE HOWARD. (DJH) (Entered: 08/10/2022)
08/23/2022	39	MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendant L. HAMBLLEN. (Attachments: # 1 Text of Proposed Order Granting Motion)(Katzen, Adriana) (Entered: 08/23/2022)
08/23/2022	40	BRIEF/MEMORANDUM in Support re 39 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendant L. HAMBLLEN. (Katzen, Adriana) (Entered: 08/23/2022)
08/23/2022	41	Designation of Evidence re 39 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendant L. HAMBLLEN. (Attachments: # 1 Exhibit 1 - IDOC Grievance Policy eff 09-01-20, # 2 Exhibit 2 - OGRE, # 3 Exhibit 3 - 133310, # 4 Exhibit 4 - 138859, # 5 Exhibit 5 - Grievance Affidavit)(Katzen, Adriana) (Entered: 08/23/2022)
08/23/2022	42	NOTICE REGARDING PLAINTIFFS RIGHT TO RESPOND TO AND SUBMIT EVIDENCE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT, filed by Defendant L. HAMBLLEN, re 39 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) . (Katzen, Adriana) (Entered: 08/23/2022)
09/01/2022	43	MOTION to Join Co-Defendant Hamblen's Motion for Summary Judgment as to Issue of Exhaustion, filed by Defendant MARTIAL R. KNIESER. (Attachments: # 1 Text of Proposed Order)(Johnson, Rachel) (Entered: 09/01/2022)
09/08/2022	44	ORDER granting 43 DEFENDANT KNIESER'S MOTION TO JOIN DEFENDANT HAMBLLEN'S MOTION FOR SUMMARY JUDGMENT - IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Defendant Knieser's Motion to Join, dkt. 43 , should be and is hereby GRANTED. Signed by Judge Richard L. Young on 09/08/2022. (AAS) (Entered: 09/08/2022)
09/09/2022	45	RECEIPT #1667 for filing fee in the amount of \$20.00, paid by EDDIE HOWARD. (DRB) (Entered: 09/09/2022)
09/23/2022	46	RESPONSE in Opposition to 39 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Plaintiff EDDIE HOWARD. (JRB) (Entered: 09/26/2022)

09/23/2022	47	Designation of Evidence in Support of 46 Response in Opposition to Motion for Summary Judgment, filed by Plaintiff EDDIE HOWARD. (Attachments: # 1 Exhibit)(JRB) (Entered: 09/26/2022)
10/07/2022	48	REPLY in Support of Motion re 39 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendant L. HAMBLIN. (Katzen, Adriana) (Entered: 10/07/2022)
10/14/2022	49	RECEIPT #2137 for partial filing fee in the amount of \$20.00, paid by EDDIE HOWARD. (DJH) (Entered: 10/14/2022)
10/24/2022	50	MOTION for Leave to File Surreply to Motion for Summary Judgment, filed by Plaintiff EDDIE HOWARD. (Attachments: # 1 Exhibits)(JRB) (Entered: 10/24/2022)
11/10/2022	51	RECEIPT #2503 for partial filing fee in the amount of \$20.00, paid by EDDIE HOWARD. (DJH) (Entered: 11/10/2022)
11/29/2022	52	ORDER GRANTING MOTION FOR LEAVE TO FILE SUR-REPLY - Plaintiff Eddie Howard's motion for leave to file sur-reply, dkt. 50 , is GRANTED to the extent that the clerk is directed to docket Mr. Howard's filing at Docket No. 50-1 as his sur-reply in opposition to Docket No. 39 . Signed by Magistrate Judge Doris L. Pryor on 11/29/2022. (KAA) (Entered: 11/29/2022)
11/29/2022	53	Surreply re 39 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Plaintiff EDDIE HOWARD. (KAA) (Entered: 11/29/2022)
12/09/2022	54	RECEIPT #2935 for partial filing fee in the amount of \$40.00, paid by EDDIE HOWARD. (DJH) (Entered: 12/09/2022)
12/12/2022	55	Reassignment of Case to Magistrate Judge Mark J. Dinsmore. Magistrate Judge Doris L. Pryor is no longer assigned to this case. Please include the new case number (1:21-cv-02993-RLY-MJD), which includes the initials of the newly assigned judge, on all future filings in this matter. (RSF) (Entered: 12/12/2022)
12/19/2022	56	MOTION for Preliminary Injunction, filed by Plaintiff EDDIE HOWARD. (JRB) (Entered: 12/19/2022)
12/20/2022	57	AMENDED MOTION for Preliminary Injunction, filed by Plaintiff EDDIE HOWARD. (JRB) (Entered: 12/20/2022)
12/29/2022	58	Joint MOTION to Stay re 56 MOTION for Preliminary Injunction <i>Response by Defendants</i> , filed by Defendants L. HAMBLIN, MARTIAL R. KNIESER. (Attachments: # 1 Text of Proposed Order)(Johnson, Rachel) (Entered: 12/29/2022)

01/06/2023	59	Reassignment of Case to Magistrate Judge M. Kendra Klump. Magistrate Judge Mark J. Dinsmore is no longer assigned to this case. Please include the new case number (1:21-cv-02993-RLY-MKK), which includes the initials of the newly assigned judge, on all future filings in this matter. (RSF) (Entered: 01/06/2023)
01/12/2023	60	RECEIPT #3384 for filing fee in the amount of \$25.00, paid by EDDIE HOWARD. (DRB) (Entered: 01/12/2023)
01/18/2023	61	RESPONSE in Opposition re 58 Joint MOTION to Stay re 56 MOTION for Preliminary Injunction <i>Response by Defendants</i> , filed by Plaintiff EDDIE HOWARD. (Attachments: # 1 Exhibit)(JRB) (Entered: 01/18/2023)
01/26/2023	62	NOTICE of Appearance by Austin Ryan Andreas on behalf of Defendant L. HAMBLLEN. (Andreas, Austin) (Entered: 01/26/2023)
02/13/2023	63	RECEIPT #3822 for partial filing fee in the amount of \$20.00, paid by EDDIE HOWARD. (DJH) (Entered: 02/13/2023)
02/13/2023	64	RECEIPT #3823 for partial filing fee in the amount of \$47.00, paid by EDDIE HOWARD. (DJH) (Entered: 02/13/2023)
02/15/2023	65	NOTICE of Substitution of Appearance by Sarah Jean Shores-Scisney replacing <i>Rachel D. Johnson</i> on behalf of L. HAMBLLEN, MARTIAL R. KNIESER (Shores-Scisney, Sarah) (Entered: 02/15/2023)
03/08/2023	66	RECEIPT #4181 for filing fee in the amount of \$40.00, paid by EDDIE HOWARD. (DRB) (Entered: 03/08/2023)
03/13/2023	67	ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND DIRECTING FURTHER PROCEEDINGS - The defendants' motion for summary judgment, dkt. 39 , is denied. The defendants will have through March 17, 2023, to notify the court whether it wishes to proceed to an evidentiary hearing pursuant to <i>Pavey v. Conley</i> , 544 F.3d 739, 742 (7th Cir. 2008). If the defendants do not respond in the time provided, the court will deem the exhaustion defense abandoned and issue an order directing development of the merits of the case. Signed by Judge Richard L. Young on 3/13/23. (JRB) (Entered: 03/13/2023)
03/16/2023	68	NOTICE <i>Regarding Pavey Hearing</i> , filed by Defendant L. HAMBLLEN (Andreas, Austin) (Entered: 03/16/2023)
03/23/2023	69	ORDER - Eddie Howard's motion for preliminary injunction, dkt. [56], is denied as moot in view of his amended motion for preliminary injunction, dkt. 57 . The defendants' joint motion to stay response to the motion for preliminary injunction, dkt. [58], is denied. The defendants will respond to the amended motion for preliminary injunction no later than April 7, 2023. Signed by Magistrate Judge M. Kendra Klump on 3/23/2023. (SWM) (Entered: 03/24/2023)

03/29/2023	70	ORDER - The Court denied the defendants' motion for summary judgment on the affirmative defense of failure to exhaust administrative remedies. Dkt. 67. The Court directed the defendants to notify the Court by March 17, 2023, whether they wished to proceed to a Pavey hearing, or the Court would deem the affirmative defense abandoned. Id. at 6. Defendant Hamblen responded and asked the Court to bypass a Pavey hearing and proceed to merits discovery. Dkt. 68. Defendant Knieser did not respond. Further development of the exhaustion defense is therefore waived. The Court will issue a separate order establishing a pretrial schedule. Signed by Magistrate Judge M. Kendra Klump on 3/29/2023.(SWM) (Entered: 03/30/2023)
04/05/2023	71	SCHEDULING ORDER: Telephonic Status Conference set for 6/15/2023 09:30 AM (Eastern Time) before Magistrate Judge M. Kendra Klump. The Court will contact counsel by separate email through the Court's electronic filing system with the call-in information to be used to participate in the conference. The Court will contact staff at the Pendleton Correctional Facility by separate email with the call-in information to be used to connect Mr. Howard to the conference. Signed by Magistrate Judge M. Kendra Klump on 4/5/2023.(SWM) (Entered: 04/05/2023)
04/05/2023	72	ORDER to Make Inmate Available - via Telephone. Warden of Pendleton Correctional Facility ordered to make EDDIE HOWARD Available - via Telephone for court proceeding on 6/15/2023 at 9:30 a.m. (Eastern). Copy to Chloe Wargny and Katelyn McCorkle via email. Signed by Magistrate Judge M. Kendra Klump on 4/5/2023.(SWM) (Entered: 04/05/2023)
04/05/2023	73	ORDER SETTING PRETRIAL SCHEDULE AND DISCUSSING DISCOVERY IN PRISONER LITIGATION: This Order sets the schedule for how this action shall proceed. Part I sets forth the pretrial deadlines. Part II discusses various aspects of discovery. Facilitating the discovery process can be difficult, and this Order is issued in an effort to help explain and streamline the process for the parties. The parties should carefully read this Order. *SEE ORDER FOR ADDITIONAL INFORMATION*. Dispositive Motions due by 10/31/2023. Discovery due by 10/2/2023. Signed by Magistrate Judge M. Kendra Klump on 4/5/2023.(SWM) (Entered: 04/06/2023)
04/07/2023	74	RESPONSE in Opposition re 57 MOTION for Preliminary Injunction , filed by Defendant L. HAMBLÉN. (Attachments: # 1 Affidavit Hamblen Affidavit)(Andreas, Austin) (Entered: 04/07/2023)
04/07/2023	75	MOTION to Join Co-Defendant's Response [D/N 74], filed by Defendant MARTIAL R. KNIESER. (Attachments: # 1 Exhibit A, Affidavit of Dr. Knieser, # 2 Text of Proposed Order)(Shores-Scisney, Sarah) (Entered: 04/07/2023)

04/10/2023	76	RECEIPT #4682 for partial filing fee in the amount of \$44.00, paid by EDDIE HOWARD. (DJH) (Entered: 04/10/2023)
04/18/2023	78	ORDER VACATING COLLECTION ORDER - Plaintiff Eddie Howard, an inmate at Pendleton Correctional Facility, initiated this action on December 8, 2021 by filing a complaint. Dkt. 2. On February 28, 2022, the Court granted his motion to proceed in forma pauperis. Dkt. 10. Although plaintiff was excused from pre-paying the full filing fee, he remained obligated for the entire \$350.00 filing fee. Id. Court records indicate that a collection order was issued on June 2, 2022, dkt. 16 . The full filing fee due in this case has now been paid. Accordingly, the collection order has been satisfied and the plaintiff's custodian shall not send any additional payments to the clerk as a result of the June 2, 2022 collection order. Signed by Magistrate Judge M. Kendra Klump on 4/18/2023. Copies distributed pursuant to distribution list. (DWH) (Entered: 04/19/2023)
04/18/2023	79	ORDER DIRECTING REFUND - Plaintiff Eddie Howard, an inmate at Pendleton Correctional Facility, initiated this action on December 8, 2021 by filing a complaint. Dkt. 2. On February 28, 2022, the Court granted his motion to proceed in forma pauperis. Dkt. 10. Although plaintiff was excused from pre-paying the full filing fee, he remained obligated for the entire \$350.00 filing fee. Id. Court records indicate that plaintiff has overpaid his filing fee in the amount of \$41.36. See receipt at dkt. 76 . Accordingly, the clerk is directed to issue a refund to plaintiff for that amount. The clerk shall mail a Treasury check for \$41.36 to Eddie Howard at the following address: EDDIE HOWARD 129850 PENDLETON CORRECTIONAL FACILITY Attn: Inmate Trust Account Office 4490 West Reformatory Road PENDLETON, IN 46064. Signed by Magistrate Judge M. Kendra Klump on 4/18/2023. Copies distributed pursuant to distribution list. (DWH) (Entered: 04/19/2023)
04/24/2023	80	ORDER granting 75 MOTION TO JOIN CO-DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION - IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant's Motion to Join Co-Defendant's Response in Opposition, dkt. 75 , is hereby GRANTED. Signed by District Judge Richard L Young on 04/24/2023. (AAS) (Entered: 04/24/2023)
05/15/2023	81	RECEIPT #5218 for partial filing fee in the amount of \$36.00, paid by EDDIE HOWARD. (DJH) (Entered: 05/16/2023)
05/26/2023	82	MOTION for Leave to File Surreply to Defendant's Response in Opposition to Plaintiff's Verified Amended Motion for Preliminary Injunction, filed by Plaintiff EDDIE HOWARD. (Attachments: # 1 Exhibit)(JRB) (Entered: 05/26/2023)

05/30/2023	<u>83</u>	NOTICE of Service of Initial Disclosures , filed by Defendants L. HAMBLIN, MARTIAL R. KNIESER. (Shores-Scisney, Sarah) (Entered: 05/30/2023)
06/01/2023	<u>84</u>	ORDER DIRECTING REFUND - Court records indicate that plaintiff has overpaid his filing fee in the amount of \$36.00. See receipt at dkt. 81 . Accordingly, the clerk is directed to issue a refund to plaintiff for that amount. The clerk shall mail a Treasury check for \$36.00 to EDDIE HOWARD at the following address: SEE ORDER. Copy to Warden via US Mail. Signed by Magistrate Judge M. Kendra Klump on 06/01/2023.(AAS) (Entered: 06/01/2023)
06/08/2023	<u>85</u>	NOTICE of Service of Initial Disclosures, filed by Plaintiff EDDIE HOWARD. (Attachments: # <u>1</u> Envelope) (JRB) (Entered: 06/08/2023)
06/08/2023	<u>86</u>	Notice of of Litigation of Pretrial Schedule and MOTION to Appoint Counsel, filed by Plaintiff EDDIE HOWARD. (Attachments: # <u>1</u> Envelope)(JRB) (Entered: 06/08/2023)
06/12/2023	<u>87</u>	RECEIPT #5593 for partial filing fee in the amount of \$18.27, paid by EDDIE HOWARD. (DJH) (Entered: 06/12/2023)
06/14/2023	<u>88</u>	ORDER GRANTING MOTION FOR LEAVE TO FILE REPLY AND MOTION FOR PRELIMINARY INJUNCTION AND DENYING MOTION FOR COUNSEL - Mr. Howard's motions for leave to file a reply, dkt. <u>82</u> , is GRANTED, his motion for preliminary injunction, dkt. <u>57</u> , is GRANTED to the extent consistent with Part I-B of this Order, and his motion for counsel, dkt. <u>86</u> , is DENIED without prejudice. SEE ORDER. Signed by District Judge Richard L Young on 6/14/2023. (KAA) (Entered: 06/14/2023)
06/14/2023	<u>89</u>	PRELIMINARY INJUNCTION - A narrow preliminary injunction is warranted in this case. Defendants shall have through June 23, 2023, to file notice that they have scheduled an appointment for Mr. Howard to be examined or treated by a surgeon or appropriate specialist. Defendants may file this notice ex parte to avoid giving Mr. Howard advance notice of the date and location of his examination. Defendants shall provide the specialist with a copy of this Order. Within seven days following the examination, Defendants shall file notice that they have arranged for Mr. Howard to receive the treatment recommended by the specialist. (SEE ORDER) Signed by District Judge Richard L Young on 6/14/2023.(KAA) (Entered: 06/14/2023)
06/16/2023	<u>90</u>	MINUTE ORDER for Telephonic Status Conference held before Magistrate Judge M. Kendra Klump on 6/15/2023. Telephonic Status Conference set for 7/14/2023 at 8:30 AM (Eastern Time) before Magistrate Judge M. Kendra Klump. See Minute Order for further information. Signed by Magistrate Judge M. Kendra Klump. (BAS) (Main Document 90 replaced on

		6/16/2023) (BAS). (Entered: 06/16/2023)
06/16/2023	91	ORDER to Make Inmate Available - via Telephone. Warden of Pendleton Correctional Facility ordered to make EDDIE HOWARD Available - via Telephone for court proceeding on 7/14/2023 at 8:30 a.m. (Eastern). Copy to Chloe Wargny via email. Signed by Magistrate Judge M. Kendra Klump on 6/16/2023.(SWM) (Entered: 06/16/2023)
06/26/2023	95	Motion for Response to last motions, filed by Plaintiff EDDIE HOWARD. (Attachments: # 1 Envelope) (LF) (Entered: 06/27/2023)
06/29/2023	96	ORDER granting 95 Motion for Copies - The clerk is directed to include copies of the following along with Mr. Howard's copy of this Entry: Docket No. 88 (Order on Motions for Counsel and Preliminary Injunction) and Docket No. 89 (Preliminary Injunction Order). Signed by Magistrate Judge M. Kendra Klump on 6/29/2023. (Attachments: # 1 88 and 89) (JRB) (Entered: 06/30/2023)
07/05/2023	97	MOTION for Court Order, filed by Plaintiff EDDIE HOWARD. (Attachments: # 1 Envelope)(JRB) (Entered: 07/06/2023)
07/11/2023	98	NOTICE of Arrangement of Treatment Recommended by the Orthopedic Specialist, filed by Defendant L. HAMBLEN, re 89 Preliminary Injunction. (Andreas, Austin) (Entered: 07/11/2023)
07/13/2023	100	ORDER DENYING MOTION FOR COURT ORDER - Because Mr. Howard's request for injunctive relief is outside the scope of the claims proceeding in this action and seeks a court order directing the conduct of non-defendants, his motion, dkt. 97 , must be denied. Based on the seriousness of his allegations, however, the clerk is directed to send a copy of his motion, dkt. 97 , and this Order to the Warden of his facility. (See Order.) Signed by District Judge Richard L. Young on 7/13/2023. Copies distributed pursuant to distribution list. (Attachments: # 1 Dkt. 97) (JSR) (Entered: 07/13/2023)
07/14/2023	101	ORDER DIRECTING REFUND - Court records indicate that plaintiff has overpaid his filing fee in the amount of \$18.27. See receipt at dkt. 87 . Accordingly, the clerk is directed to issue a refund to plaintiff for that amount. The Collection Order in this matter was vacated on April 18, 2023, dkt. 78 , and this is the third time that the Court has had to reissue a refund. This process consumes the Court's time and resources. The warden or his designee is ordered to file a notice with the Court by August 11, 2023, confirming that the Collection Order has been vacated in this matter. The clerk is directed to send a courtesy copy of this order to the Litigation Liaison at Pendleton Correctional Facility. Copy to Warden and Litigation Liaison at Pendleton CF via US Mail. Signed by Magistrate Judge M. Kendra Klump on 07/13/2023.(AAS) (Entered: 07/14/2023)

07/14/2023	102	RECEIPT #6079 for partial filing fee in the amount of \$7.20, paid by EDDIE HOWARD. (DJH) (Entered: 07/14/2023)
07/14/2023	104	MINUTE ORDER for Telephonic Status Conference held before Magistrate Judge M. Kendra Klump on 7/14/2023. Telephonic Status Conference set for 8/25/2023 at 2:00 PM (Eastern Time) before Magistrate Judge M. Kendra Klump. See Minute Order for further information. Signed by Magistrate Judge M. Kendra Klump. (BAS) (Entered: 07/17/2023)
07/14/2023	105	ORDER to Make Inmate Available via Telephone - Warden of Pendleton Correctional Facility ordered to make EDDIE HOWARD available via telephone for court proceeding on 8/25/2023 at 2:00 p.m. (See Order.) Signed by Magistrate Judge M. Kendra Klump on 7/14/2023. Copies distributed pursuant to distribution list. (JSR) (Entered: 07/17/2023)
07/17/2023	103	ORDER GRANTING MOTION FOR ASSISTANCE RECRUITING COUNSEL - Given this changed circumstances, the court sua sponte reconsiders and grants Mr. Howard's motion for counsel, dkt. 86 , to the extent that court will attempt to recruit pro bono counsel to represent Mr. Howard through final judgment. SEE ORDER. Signed by District Judge Richard L Young on 7/17/2023.(JRB) (Entered: 07/17/2023)
07/21/2023	106	MOTION to Notify Courts of Current State for Litigation Reasons, filed by Plaintiff EDDIE HOWARD. (Attachments: # 1 Exhibit A - Offender Grievance, # 2 Envelope)(SWM) (Entered: 07/24/2023)
07/26/2023	108	ORDER DENYING PENDING MOTION - Plaintiff Eddie Howard has filed a "Motion to Notify Courts of Current State for Litigation Reasons" in which he describes allegedly retaliatory conduct that he "can have it on record" for "a new claim or suit." Dkt. 106. Because Mr. Howard's motion exceeds the scope of the present action, the motion, dkt. [106], is DENIED to the extent that it can be construed to request any action by the Court under this cause number. Signed by Magistrate Judge M. Kendra Klump on 7/26/2023. (SWM) (Entered: 07/27/2023)
07/27/2023	107	NOTICE of Service of Expert Disclosures, filed by Defendants L. HAMBLIN, MARTIAL R. KNIESER, re 73 Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation. (Shores-Scisney, Sarah) (Entered: 07/27/2023)
08/04/2023	110	NOTICE of Change of Address, filed by Plaintiff EDDIE HOWARD. (Attachments: # 1 Envelope)(JRB) Modified to correct event on 8/8/2023 (JRT). (Entered: 08/04/2023)
08/04/2023	111	ORDER to Make Inmate Available - via Telephone. Warden of Miami Correctional Facility ordered to make Eddie Howard Available - via Telephone for court proceeding on 8/25/2023 2:00pm. See Order. Signed by Magistrate Judge M. Kendra Klump on 8/4/2023.(Copy mailed to Plaintiff.)

		(LF) (Entered: 08/07/2023)
08/08/2023	<u>112</u>	NOTICE <i>of Service of Supplement to Initial Disclosures</i> , filed by Defendants L. HAMBLIN, MARTIAL R. KNIESER (Shores-Scisney, Sarah) (Entered: 08/08/2023)
08/17/2023	<u>113</u>	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants L. HAMBLIN, MARTIAL R. KNIESER (Shores-Scisney, Sarah) (Entered: 08/17/2023)

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